

REMARKS

Claims 1 - 23 remain active in this application. No amendments have been made and no new matter has been introduced into the application.

Claims 1, 7 - 11, 13 - 18 and 22 stand rejected under 35 U.S.C. §103 as being unpatentable over Ritter in view of Citta and Martinez (newly cited). Claims 2, 4 - 5, 12 and 23 stand rejected under 35 U.S.C. §103 as being unpatentable over Ritter in view of Citta, Martinez and Sullivan. Claim 3 stands rejected under 35 U.S.C. §103 as being unpatentable over Ritter in view of Citta, Martinez, Sullivan and Ortel. Claim 6 stands rejected under 35 U.S.C. §103 as being unpatentable over Ritter in view of Citta, Martinez and LoGalbo et al. Claims 19 - 21 stand rejected under 35 U.S.C. §103 as being unpatentable over Ritter in view of Citta, Martinez and Ortel. All of these grounds of rejection are respectfully traversed for the reasons made of record in previous responses and, in particular, the response filed March 19, 2007, all of which are hereby fully incorporated by reference, and the further remarks provided below.

It is noted that the above grounds of rejection differ from the previous grounds of rejection asserted in the final office action of December 19, 2006, only by the inclusion of reliance on Martinez. In the current office action, the Examiner states that the previous amendments patentably distinguished the invention from those previously asserted grounds of rejection but that Martinez is now "brought in" to answer that amendatory language. However, it is respectfully submitted that the Examiner's reliance of Martinez, particularly in the manner asserted in the current official action fails to consider the subject matter as a whole or clearly indicates the impermissible application of hindsight in the

Examiner's evaluation of the teachings and suggestions of Martinez.

Specifically, while Martinez teaches developing a radio *frequency* at both a transmitter and receiver from an independent signal received by both the transmitter and receiver and, as the Examiner correctly observes, does so in order to allow use of extremely narrow bandwidth and to achieve a high signal-to-noise ratio by keeping the frequency of the transmitter and receiver (or transceivers) identical. The independently transmitted signal is used as a *frequency reference* and local oscillators at a central transmitter and remote receivers are phase-locked thereto such that any drift in the reference frequency signal will be closely followed by the oscillators in both the receiver and transmitter (or transceivers) used for radio communication and thus the independently transmitted signal is clearly and simply a *frequency reference* and not a "broadcast time signal", as claimed.

In this regard, the Examiner merely asserts that the broadcast signal is independent of both the central station and the termination section of the transmission link (which is not a cable distribution system, as claimed). While the Examiner quotes or paraphrases claim language in regard to the avoidance of a need for downstream interrogation signaling (and admits that the recitation is not answered by Ritter and Citta), the Examiner *does not address that claim recitation in the brief discussion of the content of Martinez or provide any indication of how Martinez could be considered to teach or suggest anything relevant to such a recitation or provide evidence of a level of ordinary skill in the art which would support a conclusion of obviousness in regard to such a feature much less leading to an expectation of success in achieving such a meritorious effect.*

Even the additional and apparently optional broadcast of an hourly "time beep" of Martinez (upon which the Examiner does not appear to rely since the Examiner references only Figures 1 and 2 of Martinez and the feature of using "time beeps" is only illustrated and discussed with reference to Figures 3 and 4 of Martinez) is only used to avoid susceptibility of the frequency synthesizer to unavoidable zero crossing jitter and thus to more exactly synchronize "the time at which digital message bits will be transmitted and received" (column 6, lines 60 - 61, emphasis added) due to amplitude modulation (AM) to phase modulation (PM) translations necessary in Martinez for using an existing broadcast radio signal for synchronizing oscillators in the transmitters and receivers (or transceivers) when there may be amplitude modulation of the existing broadcast radio signal (see, in particular, column 6, line 55, to column 7, line 18, and column 8, lines 3 - 14, of Martinez). Thus, the time beep does not provide any time information that is used as such in the arrangement of Martinez and clearly not in connection with establishing or synchronizing time slots which are uniquely associated with respective cable drops, as explicitly claimed and which support the meritorious function of the invention of avoiding any need for downstream interrogation signals, as claimed, which are characteristic of the interrogator/responder types of systems to which the other applied prior art is uniformly directed, as repeatedly pointed out in previous responses. On the contrary, Martinez is directed to paging or remote control and, as such, transmits coded identification signals to which a single receiver will uniquely respond in a manner *completely analogous to an interrogation signal* (see, for example, I.D. code generator 78 and the discussion thereof at column 5, lines 18 - 19 and 40 - 47).

Therefore, it is respectfully submitted to be abundantly evident that the Examiner has effectively ignored at least the explicit claim recitation of avoiding a need for downstream interrogation signal and thus has not considered even the most recent amendatory language as a whole, much less the subject matter of the entirety of any claim. That is, the Examiner gives no indication of considering claim recitations such as "means for coupling said sequence of tones to said communication path *during a time slot associated with a said cable drop determined by a time base at said termination section of said communication path*" and "means for decoding said sequence of tones at said central facility *in accordance with respective time slots as determined by a time base at said central facility* (claim 1, emphasis added) or "assigning a time slot of a plurality of sequential time slots to each terminal unit of a group of terminal units, *said time slots being independently but synchronously defined at a termination section and a central station of said system, respectively*", "selectively coupling a signal including a sequence of tones to a communication link of said system *in a time slot corresponding to a terminal unit*" and "identifying a terminal unit in accordance with said sequence of tones at a central facility and synchronized with said time slots" (claim 18, emphasis added), particularly as further defined by the most recent amendatory language. Therefore, the Examiner has not shown any of the combinations of prior art applied to answer the subject matter of either independent claim 1 or 18.

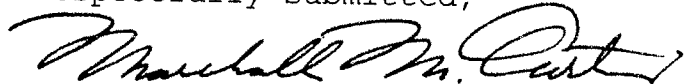
Accordingly, it is respectfully submitted that the Examiner has not, in fact, made a *prima facie* demonstration of obviousness of any claim in the application or even appeared to have considered the claimed subject matter of any claim as a whole in rejecting the claims. Conversely, to the extent, if

any, that the quoting or paraphrasing of claim language in the current office action may indicate an assertion that Martinez broadcasts time signals, defines time slots corresponding to cable drops and avoids any need for downstream signaling interrogation by doing so, it is respectfully submitted that such a conclusion can only be reached through impermissible hindsight in light of the present disclosure since Martinez contains no disclosure, suggestion or evidence of the level of ordinary skill in the art which is at all or in any way relevant to such explicit claim recitations. In other words, while Martinez may suggest providing an independent *frequency* reference in order to decrease bandwidth and/or increase signal-to-noise ratio for paging or control functions, such features do not correspond in any way to the features of the invention actually claimed and which clearly and unquestionably distinguish the invention and support its meritorious functions which would not be achieved by the combination of teachings or modifications of the prior art as proposed by the Examiner. Therefore, it is respectfully submitted that the new grounds of rejection, including reliance on Martinez are all clearly in error and untenable. Accordingly, it is respectfully submitted that, upon reconsideration, all currently asserted grounds of rejection should be withdrawn.

Since all rejections, objections and requirements contained in the outstanding official action have been fully answered and shown to be in error and/or inapplicable to the present claims, it is respectfully submitted that reconsideration is now in order under the provisions of 37 C.F.R. §1.111(b) and such reconsideration is respectfully requested. Upon reconsideration, it is also respectfully submitted that this application is in condition for allowance and such action is therefore respectfully requested.

A petition for a three-month extension of time has been made above. If any further extension of time is available and required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



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